IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 1331 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BAVLABHAI RAVATBHAI KHATI
Versus
NEW INDIA INSURANCE COMPANY LTD.

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Appearance :
MR ASHISH M DAGLI for Applicant Nos. 1, 1.2.1,1.2.2.
MS LILU K BHAYA for Opponent.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 28/02/2006

ORAL JUDGMENT

By filing this Civil Revision Application under Section 115 of Civil Procedure Code, the applicants have challenged the interim order passed by the Motor Accident Claims Tribunal, Junagadh dated 10-1-2000 in

Claims Case No.169/1997 by which the tribunal has ordered to give Rs.10,000/- to the heirs of the original claimant, i.e., the present petitioners and rest of the amount is ordered to be invested in fixed deposit for a period of three years with a stipulation that if the matter is not disposed of by that time, that amount may be re-invested in the name of Nazir of the Court.

One Ravatbhai Amrabhai was the original claimant of Claims Case No.169/1997. During the pendency of the claim case, he died and his heirs, i.e., the present applicants were brought on record. It seems that the tribunal has passed an interim order in favour of the original applicant for interim payment. Since the original claimant died the applicants gave an application permitting them to be brought on record as well as with a prayer that interim amount may be paid to them. The tribunal by the impugned order awarded Rs.10,000/- to the heirs of the original claimant and rest of the amount is ordered to be invested in fixed deposit till the final decision is taken in the matter.

It is not in dispute that this is an interim order, subject to the final order in Claim Case No.169/1997 and, therefore, in my view, no interference of this Court is called for in a revision under Section 115 of the Civil Procedure Code as it cannot be said that the order in question suffers from any error of jurisdiction. Therefore, this Civil Revision Application is rejected. Rule is discharged with no order as to costs. However, in the facts of the case, Motor Accident Claims Tribunal, Junagadh is directed to dispose of the Claim Case No.169/1997 expeditiously and preferably within a period of six months from today. Writ to be sent to the trial Court forthwith.

(P.B.MAJMUDAR, J.)

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